

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Clifford Thompson,)
Petitioner,) C.A. No. 3:08-2794-HMH-JRM
vs.)
Jon Ozmint, S.C. Department of)
Corrections; Warden of Broad River)
Correctional Institution,)
Respondents.)

OPINION & ORDER

On February 23, 2012, the court entered an order granting Respondents' motion for summary judgment and dismissing Clifford Thompson's ("Thompson") petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He timely noticed an appeal of that order and now requests free transcripts of a December 13, 2005 state post-conviction relief hearing as well as a January 24, 2012 status conference held before this court.

An indigent state prisoner petitioning for a writ of habeas corpus "does not have a constitutional right to access a free transcript in order to search for error." Ruark v. Gunter, 958 F.2d 318, 319 (10th Cir. 1992) (per curiam). Instead, a state petitioner must first demonstrate a particularized need for the transcripts and show that his claims are non-frivolous. Id.; see also Jones v. Superintendent, Va. State Farm, 460 F.2d 150, 152-53 (4th Cir. 1972); Ham v. Leeke, 459 F. Supp. 459, 462 n.11 (D.S.C. 1978) (extending Jones to state prisoner seeking transcript of federal habeas proceeding). Thompson conclusorily claims that the requested transcripts are necessary for the court of appeals to determine whether a certificate of appealability should be

granted and whether a writ of habeas corpus should be issued. (Thompson Mot. Tr., generally.) He has failed, however, to allege any facts demonstrating how the transcripts are necessary to determine whether his claims have merit. Based on the foregoing, Thompson's request for free transcripts is denied.

It is therefore

ORDERED that Thompson's motion for transcripts at the Government's expense, document number 103, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
June 4, 2012

NOTICE OF RIGHT TO APPEAL

The Petitioner is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.